

Message

From: Koch, Erin [Koch.Erin@epa.gov]
Sent: 10/20/2020 11:39:11 AM
To: Schmid, Emily [Schmid.Emily@epa.gov]
CC: Aubee, Catherine [Aubee.Catherine@epa.gov]; Davis, Kable [Davis.Kable@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Thanks all! I'll take a look and if I don't have any questions, forward this to DOJ. I appreciate your help, especially in these very busy times.

Erin

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Tuesday, October 20, 2020 7:27 AM
To: Koch, Erin <Koch.Erin@epa.gov>
Cc: Aubee, Catherine <Aubee.Catherine@epa.gov>; Davis, Kable <Davis.Kable@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Hi Erin,

Sorry that I wasn't able to get to this yesterday. Since there was a lot of input on this, I compiled everything into the attached document with the initial questions (in black), follow up questions (dark blue), your initial answers (light blue), Dan's answers (red), and my answers (green).

Let me know if you need anything else.

Thanks,
Emily

From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Monday, October 19, 2020 1:53 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: FW: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Please see some clarifications on the glyphosate questions, below, when you can get to them.

From: Brightbill, Jonathan (ENRD) <Jonathan.Brightbill@usdoj.gov>
Sent: Monday, October 19, 2020 1:46 PM
To: Koch, Erin <Koch.Erin@epa.gov>
Cc: Dunn, Alexandra <dunn.alexandra@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Oakes, Matthew (ENRD) <Matthew.Oakes@usdoj.gov>; Sell, Eric (ENRD) <Eric.Sell@usdoj.gov>; Aranda, Amber <aranda.amber@epa.gov>
Subject: RE: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Hello Erin,

Ex. 5 AC/DP

Thank you!
Jon

Jonathan D. Brightbill
Principal Deputy Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W., Room 2603
Washington, D.C. 20530
Office: (202) 514-2766
Mobile: (202) 598-3370
Jonathan.Brightbill@usdoj.gov

From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Friday, October 16, 2020 2:39 PM
To: Brightbill, Jonathan (ENRD) <JBrightbil@ENRD.USDOJ.GOV>
Cc: Dunn, Alexandra <dunn.alexandra@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Oakes, Matthew (ENRD) <MOakes@ENRD.USDOJ.GOV>; Sell, Eric (ENRD) <ESell@ENRD.USDOJ.GOV>; Aranda, Amber <aranda.amber@epa.gov>
Subject: FW: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Jon,

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Erin S. Koch
Pesticides and Toxic Substances Law Office
Office of General Counsel
US EPA
202-564-1718

From: Cole, Joseph E. <cole.josephe@epa.gov>
Sent: Friday, October 16, 2020 1:33 PM
To: Koch, Erin <Koch.Erin@epa.gov>
Cc: Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>
Subject: FW: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

FYI

From: Brightbill, Jonathan (ENRD) <Jonathan.Brightbill@usdoj.gov>
Sent: Friday, October 16, 2020 1:32 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>
Cc: Oakes, Matthew (ENRD) <Matthew.Oakes@usdoj.gov>; Sell, Eric (ENRD) <Eric.Sell@usdoj.gov>
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Thank you Alex!

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From: Dunn, Alexandra <dunn.alexandra@epa.gov>
Sent: Friday, October 16, 2020 12:59 PM
To: Brightbill, Jonathan (ENRD) <JBrightbil@ENRD.USDOJ.GOV>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>

Cc: Oakes, Matthew (ENRD) <MOakes@ENRD.USDOJ.GOV>; Sell, Eric (ENRD) <ESell@ENRD.USDOJ.GOV>

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Kamila, I'll get these to the program ASAP.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
Washington, DC

From: Brightbill, Jonathan (ENRD) <Jonathan.Brightbill@usdoj.gov>

Sent: Friday, October 16, 2020 10:40 AM

To: Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>

Cc: Oakes, Matthew (ENRD) <Matthew.Oakes@usdoj.gov>; Sell, Eric (ENRD) <Eric.Sell@usdoj.gov>

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Very good. Thank you Kamila and Joe.

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From: Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>

Sent: Friday, October 16, 2020 10:38 AM

To: Brightbill, Jonathan (ENRD) <JBrightbil@ENRD.USDOJ.GOV>; Fotouhi, David <Fotouhi.David@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>

Cc: Oakes, Matthew (ENRD) <MOakes@ENRD.USDOJ.GOV>; Sell, Eric (ENRD) <ESell@ENRD.USDOJ.GOV>

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Jon,

Bob Perlis and Mark Dyner are no longer with EPA, but I'm adding Joe Cole for PTSLO. We'll work with OCSPP to set up something to address your questions.

Thanks,
Kamila

From: Brightbill, Jonathan (ENRD) <Jonathan.Brightbill@usdoj.gov>

Sent: Friday, October 16, 2020 10:33 AM

To: Fotouhi, David <Fotouhi.David@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>; Dyner, Mark <dyner.mark@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>

Cc: Oakes, Matthew (ENRD) <Matthew.Oakes@usdoj.gov>; Sell, Eric (ENRD) <Eric.Sell@usdoj.gov>

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Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Good morning EPA colleagues,

I hope this email finds all of you well. Matt O. may already be coordinating with you, but reminder the I will be arguing on behalf of the U.S. next week in the Hardeman v. Monsanto case in the Ninth Circuit. Recall that the U.S. submitted an amicus brief in support of Petitioner stating that FIFRA expressly preempts the plaintiff's state law failure to warn claim that Roundup should have borne a cancer warning, contrary to the EPA approved label. A copy of that brief is attached.

Ex. 5 AC/DP

Thank you,
Jon

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